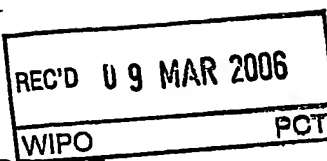


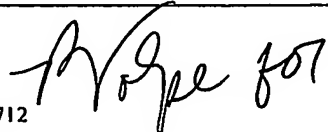
## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



|   |   |   |  |
|---|---|---|--|
| Applicant's or agent's file reference<br>1043-004   |   | <b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)                                 |  |
| International application No.<br>PCT/US04/23280   | International filing date (day/month/year)<br>21 July 2004 (21.07.2004) | Priority date (day/month/year)<br>21 July 2003 (21.07.2003)   |  |
| International Patent Classification (IPC) or national classification and IPC<br>IPC(7): G 06 F 17/60 and US Cl.: 705/50   |   |   |  |
| Applicant<br>DE JANASZ, CHRISTOPHER G.  |   |   |  |
| <p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <sup>6</sup>2 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of ___ sheets.</p>  |   |   |  |
| <p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input checked="" type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p> |   |   |  |
| Date of submission of the demand<br>11 February 2005 (11.02.2005)   |   | Date of completion of this report<br>14 September 2005 (14.09.2005)   |  |
| Name and mailing address of the IPEA/US<br>Mail Stop PCT, Attn: IPEA/US<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, Virginia 22313-1450<br>Facsimile No. (571) 273-8300   |   | Authorized officer<br>JAMES P. TRAMMELL <br>Telephone No. (571) 272-6712 |  |

**I. Basis of the report****1. With regard to the elements of the international application:\***

- ☒ the international application as originally filed.
- ☒ the description:  
pages 1-25: Specification as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the claims:  
pages 26-30: Claims 1-33 as originally filed  
pages \_\_\_\_\_, as amended (together with any statement) under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the drawings:  
pages Figures 1-5 as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☐ the sequence listing part of the description:  
pages \_\_\_\_\_ as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

**4. ☐ The amendments have resulted in the cancellation of:**

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

**5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.  
PCT/US04/23280**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

|                               |   |     |
|-------------------------------|---|-----|
| Novelty (N)                   | Claims <u>NONE</u>                              | YES |
|                               | Claims <u>1-5,7-12,14-20,25-28,30,32 and 33</u> | NO  |
| Inventive Step (IS)           | Claims <u>NONE</u>                              | YES |
|                               | Claims <u>1-33</u>                              | NO  |
| Industrial Applicability (IA) | Claims <u>1-33</u>                              | YES |
|                               | Claims <u>NONE</u>                              | NO  |

**2. CITATIONS AND EXPLANATIONS**

Please see continuation sheets.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US04/23280

## VI. Certain documents cited

## 1. Certain published documents (Rule 70.10)

| Application No<br><u>Patent No.</u> | Publication Date<br><u>(day/month/year)</u> | Filing Date<br><u>(day/month/year)</u> | Priority date (valid claim)<br><u>(day/month/year)</u> |
|-------------------------------------|---|--|--|
| US 5,101,200 A                      | 31/03/1992                                  | 09/06/1989                             |  |
| US 2003/0020634 A1                  | 30/01/2003                                  | 26/07/2001                             |  |
| US 5,770,999 A                      | 23/06/1998                                  | 01/07/1997                             |  |
| US 6,484,260 B1                     | 19/11/2002                                  | 24/04/1998                             |  |
| US 5,805,082 A                      | 08/09/1998                                  | 24/10/1996                             |  |

## 2. Non-written disclosures (Rule 70.9)

| <u>Kind of non-written disclosure</u> | Date of non-written disclosure<br><u>(day/month/year)</u> | Date of written disclosure referring to<br>non-written disclosure<br><u>(day/month/year)</u> |
|---------------------------------------|---|--|
|---------------------------------------|---|--|

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

**V.2. CITATIONS and EXPLANATIONS:**

Claims 1-5, 7-12, and 14 lack novelty under PCT Article 33(2) as being anticipated by SWETT. As per claims 1-5, 7-12, Swett discloses a method comprising receiving a signal from a wireless transmitter attached to a vehicle, the signal comprising a unique identifier, the signal transmitted responsive to a predetermined input from a user, the signal requesting approval of a proposed transaction; transmitting the unique identifier to a central processor adapted to approve the proposed transaction if at least the unique identifier is associated with a valid financial account; and receiving an approval from the central processor to complete the proposed transaction, the proposed transaction involving the valid financial account associated with the unique identifier (column 15, lines 35-65; col. 16, lines 24-62; col. 17, lines 15-21, col. 23, lines 41-68; col. 24, lines 1-27). As per claim 14, Swett discloses a system comprising an input processor adapted to receive a signal from a wireless transmitter attached to a vehicle (col. 15, lines 60-65), an output processor adapted to transmit the encrypted unique identifier to a central processor adapted to approve the proposed transaction if at least the unique identifier is associated with a valid financial account (col. 16, lines 24-62), and an approval processor adapted to receive an approval from the central processor to complete the proposed transaction (col. 16, lines 24-62).

Claims 15-20, 25-28, 30, 32-33 lack novelty under PCT Article 33(2) as being anticipated by BANERJEE et al.. Banerjee et al. disclose a method comprising: at a central processor, receiving information originating from a transmitter attached to a vehicle, the information comprising a unique identifier, the information provided from the transmitter responsive to a predetermined input from a user, the information requesting approval of a proposed transaction; and if at least the unique identifier is associated with a valid financial account, transmitting an approval to complete the proposed transaction, the proposed transaction involving the valid financial account associated with the unique identifier [0020, 0027, 0030, 0034-0050 & figs. 6 and 7].

Claim 6 lacks an inventive step under PCT Article 33(3) as being obvious over SWETT in view of RHODES. Swett discloses a method comprising receiving a signal comprised an encrypted unique identifier from a wireless transmitter attached to a vehicle, transmitting the encrypted unique identifier to a central processor adapted to approve the proposed transaction, and receiving an approval from the central processor (see claim 1). Swett does not expressly disclose the method of claim 1, wherein the predetermined input comprises a predetermined number of headlight high beam switch activations within a predetermined time interval. However, Rhodes teaches the method of claim 1 wherein the predetermined input comprises a predetermined number of headlight high beam switch activations within a predetermined time interval (col. 18, lines 62-67; col. 19, lines 1-17) to produce the flashing effect, thus, triggering the transmitter to send a wireless signal to the receiver. Therefore, it would have been obvious to and motivated by one of ordinary skill in the art at the time the applicant's invention was made to modify the method of claim 1 disclosed by Swett to include the predetermined number of headlight high beam switch activations within a predetermined time interval, taught by Rhodes, to produce the flashing effect, thus, triggering the transmitter to send a wireless signal to the receiver.

Claim 13 lacks an inventive step under PCT Article 33(3) as being obvious over SWETT in view of SCOTT et al.. Swett discloses a method comprising receiving a signal comprised an encrypted unique identifier from a wireless transmitter attached to a vehicle, transmitting the encrypted unique identifier to a central processor adapted to approve the proposed transaction, and receiving an approval from the central processor (see claim 1). Swett does not expressly disclose the method of claim 1, wherein encryption of the unique identifier utilizes a code hopping technique. However, Scott et al. teach the method of claim 1, wherein encryption of the unique identifier utilizes a code hopping technique (col. 9, lines 47-53) to make the transmission unique (i.e. to ensure integrity of transmitted data), thus rendering code capture and resend schemes useless. Therefore, it would have been obvious to and motivated by one of ordinary skill in the art at the time the applicant's invention was made to modify the method of claim 1 disclosed by Swett to include the utility of such a code hopping encryption technique, taught by Scott et al., to make the transmission unique (i.e. to ensure integrity of transmitted data), thus making code capture and resend schemes useless if it ever happened.

Claims 21-24 and 31 lack an inventive step under PCT Article 33(3) as being obvious over BANERJEE et al. in view of HASSETT. As per claims 21-24, Banerjee et al. disclose a method comprising: at a central processor, receiving information originating from a transmitter attached to a vehicle, the information comprising a unique identifier, the information provided from the transmitter responsive to a predetermined input from a user, the information requesting approval of a proposed transaction; and if at least the unique identifier is associated with a valid financial account, transmitting an approval to complete the proposed transaction, the proposed transaction involving the valid financial account associated with the unique identifier (see claim 15). Banerjee et al. do not

## Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

expressly disclose the method of claim 15 further comprising transmitting a rejection of the proposed transaction if: (a) the proposed transaction exceeds a predetermined amount; (b) a total amount associated with one or more transactions exceeds a predetermined amount; (c) the proposed transaction exceeds a predetermined amount for a predetermined counter-party; (d) the proposed transaction exceeds a predetermined amount for a predetermined time interval for a predetermined counter-party. However, Hassett teaches the method of claim 15 further comprising transmitting a rejection of the proposed transaction if any of the above-mentioned events occurs (col. 3, lines 66-67; col. 4, lines 1-28; col. 13, lines 23-28; col. 14, lines 57-64; col. 15, lines 7-22), to notify a vehicle operator of the shortage of account balance, thus a payment is due. Therefore, it would have been obvious to and motivated by one of ordinary skill in the art at the time the applicant's invention was made to modify the method of claim 15 disclosed by Banerjee et al. to include transmitting a rejection of the proposed transaction if: (a) the proposed transaction exceeds a predetermined amount; (b) a total amount associated with one or more transactions exceeds a predetermined amount; (c) the proposed transaction exceeds a predetermined amount for a predetermined counter-party; (d) the proposed transaction exceeds a predetermined amount for a predetermined time interval for a predetermined counter-party, taught by Hassett, to notify a vehicle operator of the shortage of account balance, thus a payment is due, if any of such events occurred.

As per claim 31, Banerjee et al. disclose a method comprising: at a central processor, receiving information originating from a transmitter attached to a vehicle, the information comprising a unique identifier, the information provided from the transmitter responsive to a predetermined input from a user, the information requesting approval of a proposed transaction; and if at least the unique identifier is associated with a valid financial account, transmitting an approval to complete the proposed transaction, the proposed transaction involving the valid financial account associated with the unique identifier (see claim 15). Banerjee et al. do not expressly disclose the method of claim 15, transmitting instructions requesting a transfer of funds associated with the valid financial account responsive to the approval. However, Hassett teaches the method of claim 15 with such a feature (col. 2, lines 35-38; col. 13, lines 33-44), to attempt to collect the funds electronically. Therefore, it would have been obvious to and motivated by one of ordinary skill in the art at the time the applicant's invention was made to modify the method of claim 15 disclosed by Banerjee et al. to include the transmitting instructions requesting a transfer of funds associated with the valid financial account responsive to the approval, taught by Hassett, to attempt to collect the funds electronically.

Claim 29 lacks an inventive step under PCT Article 33(3) as being obvious over BANERJEE et al. in view of SCOTT et al.. Banerjee et al. disclose a method comprising: at a central processor, receiving information originating from a transmitter attached to a vehicle, the information comprising a unique identifier, the information provided from the transmitter responsive to a predetermined input from a user, the information requesting approval of a proposed transaction; and if at least the unique identifier is associated with a valid financial account, transmitting an approval to complete the proposed transaction, the proposed transaction involving the valid financial account associated with the unique identifier (see claim 15). Banerjee et al. do not expressly disclose the method of claim 15, further comprising decrypting the encrypted unique identifier. Scott et al., however, teach the method of claim 15 further comprising decrypting the encrypted unique identifier (col. 3, lines 8-19; col. 7, lines 27-31), to restore encrypted data to its original form for readability/processing, etc. (Microsoft Computer Dictionary, fifth edition, 2002). Therefore, it would have been obvious to and motivated by one of ordinary skill in the art at the time the applicant's invention was made to modify the method of claim 15 disclosed by Banerjee et al. to include decrypting the encrypted unique identifier, taught by Scott et al., to restore the encrypted data to its original form for readability/processing, etc. (Microsoft Computer Dictionary, fifth edition, 2002).

Claims 1-33 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.